

REMARKS

Claims 1-3, 5, 6, 8, 9, 13, and 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number 5,546,536 to Davis et al. (hereinafter Davis) in view of United States Patent Number 7,051,173 to Tsuchiya (hereinafter Tsuchiya).

Response to rejections of claims under 35 U.S.C. § 103.

Claims 1-3, 5, 6, 8, 9, 13, and 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Tsuchiya. Applicants respectfully traverse this rejection.

Claims 1, 8, 13, 16, and 18 include the limitations “...receive a tracking command in response to a backup component not being online...,” “...record the block address information on a tracking log...” and “...write the memory blocks to the secondary volume when the backup component comes online...” Claim 1. See also claims 8, 13, 16, and 18. Thus the present invention claims storing block address information **when the backup component is not online** and writing the memory blocks to the secondary volume **when the backup component comes online.**

Davis does not teach storing block address information **when a backup component is not online.** Instead, Davis teaches receiving a write command and returning a status that indicates whether the write was successfully completed. Davis, col. 4, lines 16-28.

In addition, Tsuchiya does not teach writing the memory blocks to the secondary volume **when the backup component comes online.** Instead, Tsuchiya discloses forming a log, adding a log to a list, and using the log to back up a shared disk as a batch. Tsuchiya, fig. 5, ref. 15, col. 2,

2, lines 16-40.

Because Davis and Tsuchiya do not teach each element of claims 1, 8, 13, 16, and 18, Applicants submit that claims 1, 8, 13, 16, and 18 are allowable. Applicants further submit that claims 2, 3, 5, 6, 9, 17, and 19 are allowable as depending from allowable claims.

Conclusion

In view of the preceding remarks, Applicants submit that the application is in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

/Brian C. Kunzler/

Brian C. Kunzler
Reg. No. 38,527
Attorney for Applicant

Date: July 11, 2007
8 East Broadway, Suite 600
Salt Lake City, UT 84111
Telephone (801) 994-4646
Fax (801) 322-1054